

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

In the Office Action, the Examiner objected to the drawings because FIG 2 has empty boxes that should be labeled. In response, labels have been added to the boxes in FIG 2. Replacement sheet including FIGs 1-2 is enclosed. Further, a marked-up version of the sheet including FIGs 1-2 is enclosed for convenience. Applicant respectfully requests withdrawal of the drawings objection and approval of the enclosed proposed drawing changes.

In the Office Action, the specification was objected to for not including GPS, which is included in claim 15. In response, the specification has been amended to include GPS. Applicant respectfully requests withdrawal of the objection to the specification.

In the Office Action, claims 1-6, 12, 14, 16-22 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 5,404,580 (Simpson). Further, claims 1-4 and 10-11 were rejected under 35 U.S.C. §102(b) as being anticipated by EP 0 865 188 (Kraft). It is believed that page 3 of the Office Action includes a typographical error where Kraft is incorrectly referred to as EP 0 865 166. In

addition, claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Simpson. Further, claims 7-9 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Simpson in view of the instant application. In response, claim 11 has been canceled without prejudice, and claims 1, 19 and 21 have been amended. It is respectfully submitted that claims 1-10 and 12-22 are patentable over Simpson and Kraft for at least the following reasons.

Simpson is directed to a cellular phone 102 shown in FIG 2 having a slot 118 for insertion of a smart card 120. The smart card 120 has a microprocessor and memory, and is programmed to include user ID and allowed telephone functions. Thus an employer (or parent) can control use of the cellular phone by employees (or children). The user may also program the smart card for customized settings of the cellular phone.

Kraft is directed to a portable telephone with automatic selection of the operational mode, where table 2 on page 4 shows 7 modes, each mode having particular telephone settings. The portable telephone is capable of sensing whether it is placed in a car kit holder, in which case, the phone automatically answers

incoming calls, without the driver having to remove his hands from the steering wheel.

Simpson and Kraft, alone or in combination, do not teach or suggest a physical data carrier which is incorporated in a cover or a pouch suitable for accommodating the interactive electronic device, in a device power supply, in a device battery charging apparatus, or carried by the users clothing, as recited in independent claims 1, 19 and 21.

Accordingly, it is respectfully submitted that independent claims 1, 19 and 21 be allowed. In addition, as claims 2-10, 12-18, 20 and 22 depend from independent claims 1, 19 and 21, applicant respectfully requests that claims 2-10, 12-18, 20 and 22 also be allowed.

Dependent claims 7-9, 13 and 15 also include patentable subject matter. According to the Examiner, claims 7-9 and 13 are not patentable since it "would have been obvious ... to have incorporated such old tags ... into the Simpson device as such would only entail the substitution of one physical carrier data means for another." Further, according to the Examiner, claim 15 is not patentable since "it would have been obvious ... to use such a means in any electronic device that was deemed appropriate." It

is respectfully submitted that the mere fact that references can be combined or modified does not render the resulting combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). In the present rejections, the Examiner has not identified any teaching or suggestion or motivation in the Simpson itself for using various types of physical data carriers as recited in claims 7-9; or setting filter options for incoming information made available in a push-type data distribution center as recited in claim 13; or the electronic device being one of various devices as recited in claim 15.

While the Examiner considers there to be motivation, that motivation is only apparent in view of the teachings in the present application, not from the cited art. Accordingly, the rejection is premised on hindsight and must be withdrawn.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

Please charge any fee deficiencies and credit any overpayments
to Deposit Account No. 14-1270.

Respectfully submitted,

By *Dan Zll*
Dicran Halajian, Reg. 39,703
Attorney
(914) 333-9607
January 21, 2005

Enclosure: Replacement drawing sheet (1 sheet with FIGs 1-2)
Marked-up drawing sheet
(1 sheet showing changes to FIG 2)

CERTIFICATE OF MAILING

It is hereby certified that this correspondence
is being deposited with the United States Postal Service
as first-class mail in an envelope addressed to:

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

On *January 24, 2005*
(Date of Mailing)
By *Natalie Q. Marzu*
(Signature)

IN THE DRAWING

Please replace FIG 2 with the enclosed substitute FIG 2.

1/2

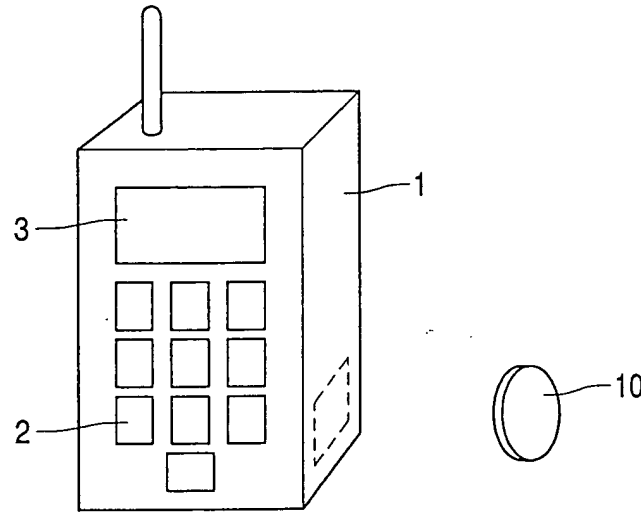


FIG. 1

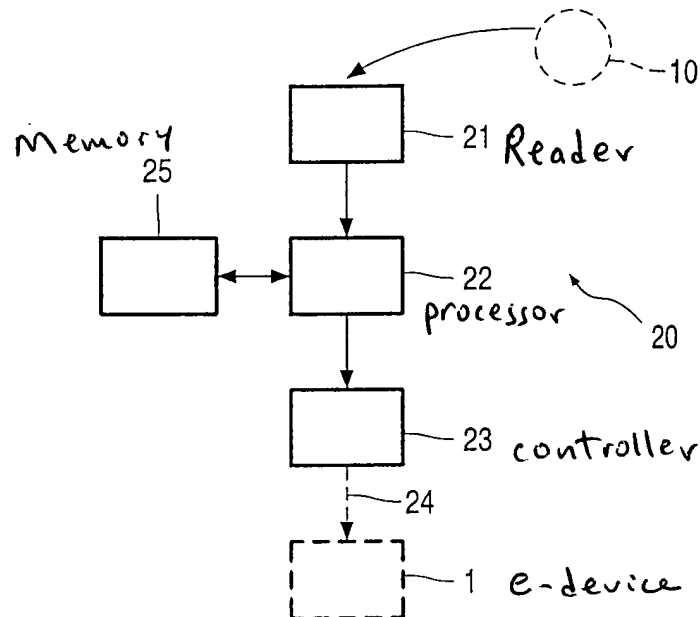


FIG. 2

(Proposed Drawing Changes)